



Tennessee Board of Dentistry

Newsletter

Summer 2003

A regulatory agency of the State of Tennessee

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Policy on Lapsed Licenses

At the May 16, 2003 Board Meeting, the Board of Dentistry adopted a policy on Lapsed Licenses. The policy, in part, is as follows:

The Board of Dentistry recognizes that an individual may inadvertently allow his/her license to lapse/expire. However, the statute prohibits an individual from working as a dentist, dental hygienist, or registered dental assistant unless he/she has an active and unrestricted license. The state also prohibits a dentist from allowing a dental hygienist or registered dental assistant under that dentist's supervision to perform any acts or services which required licensure or registration without an active and unrestricted license. While the Board does not condone an individual working on an expired license, recognition is given to the fact that the problem does exist. As such, the Board has adopted the following procedures for reinstatement of an expired license:

- Immediately upon recognition that his/her license has expired, the individual must stop practicing and contact the Board's administrative office to request a reinstatement application.
- The individuals are to complete the application in its entirety, providing a detailed work history, including duties performed, since the license expiration date.
- A license may immediately be reinstated if the license has been in an expired status for less than three months, upon approval from the Board's consultant and upon receipt of all fees due.
- If the reinstatement application received reflects that the licensee/registant has worked in excess of three months on an expired license, the licensee/registant will be required to pay a fine, for each month worked in excess of three months from the expiration date, in the amount of \$100 per month for dentists, \$75 per month for dental hygienists, and \$50 per month for registered dental assistants. These fees are in addition to the reinstatement fees due.

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Anesthesia and Sedation Rule Changes Became Effective May 4, 2003



The new rules governing conscious sedation and deep sedation/general anesthesia became effective May 4, 2003. This rule requires any dentist who administers conscious sedation by any method or who administers deep sedation/general anesthesia to obtain a permit from the Board of Dentistry.

Dentists who administer nitrous oxide only or an anti-anxiety medication only are not required to obtain a permit, even if the patient is under the age of 13.

If a dentist administers both nitrous oxide and an anti-anxiety medication to a patient, they are required to obtain at least a limited conscious sedation permit.

If the dentist is administering both nitrous oxide and an anti-anxiety medication to a child under the age of 13 years old, they are required to obtain a comprehensive conscious sedation permit.

Limited conscious sedation permits authorize dentists to administer conscious sedation by either enteral and/or combination inhalation-enteral method to anyone over the age of 13 years.

Comprehensive conscious sedation permits authorize a dentist to administer conscious sedation by enteral, combination inhalation-enteral or parenteral method to patients of any age.

Agents used to produce conscious sedation or deep sedation/general anesthesia in children 13 years of age and under must be given under the direct supervision of the dentist. The dentist must provide evidence to the Board that they have received adequate training in pediatric sedation and/or anesthesia techniques and in pediatric resuscitation if they are administering to children 13 years old and under.

If a dentist holds a permit to administer deep sedation/general anesthesia, they are not required to hold a limited or comprehensive conscious sedation permit.

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Policy on Lapsed Licenses

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- For supervising dentists: If the reinstatement application received reflects in the work history that the hygienist or assistant has worked in excess of three months on an expired license, the supervising dentist(s) will be sent a "Letter of Concern" for the first offense, a "Letter of Warning" for the second offense, and for the third offense the supervising dentist(s) will be required to pay a fine in the amount of \$1000 for allowing a licensee/registrant under supervision to work in excess of three months from the expiration date.
- If the licensee/registrant or supervising dentist refuses to pay the fine or payment is not received within 60 days of the date of the official notice, they shall be turned over to the Office of Investigations and Office of General Counsel for formal disciplinary action.

The board consultant reviews each reinstatement application to determine whether to offer the policy or proceed with formal disciplinary action.

This policy does not apply to individuals who are practicing before becoming initially licensed or registered in Tennessee. It also does not apply to certified dental assistants who have been performing the duties of a registered dental assistant without first becoming registered. Anyone practicing before becoming licensed or registered and supervising dentists who allow this unlicensed or unregistered practice is subject to disciplinary action by the Board of Dentistry.

Likewise, anyone reported to the Office of Investigations by the public or by other means for practicing without licensure or registration is subject to disciplinary action by the Board of Dentistry.

Copies of this policy and other board policies are available in the "Noteworthy" section at the Board's web site. 🦷

Reporting Violations of Statutes and Rules

If you know that a dental professional is practicing without a license or registration, practicing outside their scope of practice, or in violation of any of the statutes and rules, you can report the dental professional to the Office of Investigations at 1-800-852-2187 or by downloading a complaint form from the Board's web site. Complaints can be filed anonymously.



Rule Changes

In addition to the increase in fees for the anesthesia/sedation permits, the following rules will become effective the end of August:

- ♦ Continuing education (CE): This rule clarifies that continuing education courses required by the anesthesia/sedation rules must have prior approval by an anesthesia consultant. The Board will then approve the consultant recommendation.
- ♦ Dental professional corporations (D.P.C.) and dental professional limited liability companies (D.P.L.L.C.): These rules were rewritten.
- ♦ Infection control: The Board has added a rule on infection control. This rule regulates the following:
 - Sterilization of instruments and equipment;
 - Testing and documentation of testing of heat sterilizing devices and disinfection of surfaces that are contaminated by blood or saliva;
 - All single use or disposable items must be discarded and not reused;
 - Labeling of contaminated items to be transported to dental laboratories;

- Disinfection of appliances received from dental laboratories before placement in the patient's mouth;
- Barriers to be used to cover surfaces or items that may be contaminated by blood or saliva;
- Gloves, surgical masks and eye protection are to be worn by staff;
- Hands are to be washed with antimicrobial soap and water after removing and prior to replacing gloves;
- Mouthpieces, resuscitation bags, or other ventilation devices, appropriate to the patient population, are to be available;
- OSHA standards to prevent injuries caused by needles, scalpels, and other sharp instruments or devices are to be followed. If a needlestick injury occurs, the dentist shall comply with the requirements established by OSHA;
- Sharp items and contaminated wastes must be packaged and disposed of according to requirements established by federal, state, and/or local government agencies which regulate health or environmental standards; and
- Regulates the contact with equipment and patients that dental health care workers who have exudative lesions or weeping dermatitis have until condition(s) are resolved.

- ♦ Patient Rights: This rule outlines the rights of each dental patient.

The continuing education requirements will change in rules to become effective in September and November. In October, a rule regarding electronic course methods and course approvals will become effective.

The change in September will require all dental assistants to annually complete 12 hours of CE in delegable duties. The seven-hour requirement for dental assistants with coronal polishing certification was deleted and they must complete the same number of hours as all registered dental assistants.

The changes in November will comply with the statute change to T.C.A. §63-5-107(c)(1) which changed the CE requirements from an annual requirement to a biennial requirement (January 1, 2003 – December 31, 2004 for this cycle). This change will require all dental professionals (including dental assistants) to complete the required CE hours **biennially, instead of annually starting January 1, 2003**. Dentist, dental hygienists, and dental assistants must complete two of the required hours in the area of chemical dependency education. The changes are as follows:

- Each licensed dentist must successfully complete 40 hours of approved CE biennially.
- Each licensed dental hygienist must successfully complete 30 hours of approved CE biennially.
- Each registered dental assistant must successfully complete 24 hours of approved CE biennially.
- CE cycles will run from January of an odd-numbered year to December of an even-numbered year.
- New licensees are exempt from CE requirements during their initial two calendar year cycle starting with an odd-numbered year if the license was issued during an odd-numbered year **or** with the preceding odd-numbered year if the licensee was issued in an even-numbered year.

A copy of the full text of the effective rules, as amended, will be available in the "Rules and Regulations" section of the Board's web site after the effective date of each rule. 🦷

Disciplinary Action

The Board, at its meetings in January and May of 2003, took the following disciplinary actions:

January, 2003



Allen, William R. – License No. DS 4526

Unprofessional conduct, unlawful practice of dentistry without a current license, violation, directly or indirectly, of the statute, conducting the practice of dentistry as to permit directly or indirectly an unlicensed person to perform services or work which can be done legally only by persons licensed to practice dentistry, use of nitrous oxide without current dental license, and continuing to practice without renewing his license. Respondent was ordered to pay \$7,500 and costs, cease and desist the practice of dentistry until such time as his license is reinstated, pay any and all fees and/or penalties to reinstate prior to reinstatement, complete and show proof of all continuing education requirement for the years 1993 to present, provide proof of current CPR certification, and place an announcement on his answering machine, a visible notice in his office and a notice in the newspaper that his office is closed until further notice.

Brewer, Rebecca R. – License No. RDA 2413

Unprofessional conduct, practicing outside the scope of a registered dental assistant, failure to timely inform the Board of address changes, failure to timely renew registration, and practicing without a current registration. Respondent was reprimanded.

Carr, Tonya M. – License No. RDH 3722

Unprofessional conduct, failure to timely inform the Board of address changes, failure to timely renew, and practicing without a current registration. Respondent was reprimanded.

Gallaher, Jr., William R., - License No. DS 3363

Negligence in the course of professional practice. Respondent was reprimanded and ordered to pay costs.

Hamilton, Diane M. – License No. RDH 2321

Unprofessional conduct, habitual intoxication or personal misuse of any drug. Respondent was placed on probation for five years, must maintain a contract and advocacy with the Concerned Dental Professionals Committee for five years, and was ordered to pay \$2000.

Ogundiya, Deji A. - License No. DS 5165

Unprofessional conduct, conviction of a felony, and failure to report the conviction of a felony. Respondent's license was placed on probation for five years, provide the Board a copy of the sign to be posted in his office pursuant to the terms of his criminal sentencing and he was ordered to pay \$3,000 and costs.

Parker, Mitchell S. – License No. DS 5366

Unprofessional conduct and violating the rules on advertising a specialty by a general dentist without the disclaimer required by Rule 0460-2-.10(5)(b). Respondent was reprimanded.

Pippin, Jr., William H. – License No. 3981

Failure to timely renew and practicing without a current license. Respondent was reprimanded.

Writesman, Yvonne – License No. None

Performing duties outside to scope of practice of a practical dental assistant and practicing as a dental assistant beyond the scope of a practical dental assistant without possession of a lawfully issued registration from the Board. Respondent was ordered to pay \$200 and cost.

May, 2003



Brewer, Dianne L. – License No. RDA 3772

Unprofessional conduct, violation or attempted violation of any provision of the statute, failure to timely renew, and practicing without a current registration. Respondent was reprimanded.

Culbertson, Charles C. – License No. DS 3902

Unprofessional conduct, violation or attempted violation of any provision of the statute or any lawful order of the Board, and making false or misleading statements or representations. Respondent was placed on probation for two additional years, refund all money paid by students or prospective students to "Chattanooga School of Dental Assisting" and must complete a Dental Jurisprudence course at UT-Memphis, and was assessed a fine of \$1,500 and costs.

Dove, Laura B. – License No. DS 7106

Unprofessional conduct, violation or attempted violation of any provision of the statute, and dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease. Respondent was

placed on probation for one year, shall be monitored by a supervising dentist, shall complete the "Prescribing Controlled Drugs" course at Vanderbilt University Medical Center, and pay a fine of \$500 and costs.

Gurley, Kevin D. – License No. DS 4384

Unprofessional conduct, violation or attempted violation of any provision of the statute, permitting directly or indirectly an unlicensed person to perform services or work which can be done legally only by persons licensed to practice as a registered dental assistant, and assigning tasks and procedures that are reserved for a duly licensed and registered dental assistant. Respondent was reprimanded.

Hester, Linda A. – License No. RDA 2619

Unprofessional conduct, violation or attempted violation of any provision of the statute, and habitual intoxication or personal misuse of any drugs including nitrous oxide sedation in such manner as to adversely affect the person's ability to practice as a registered dental assistant. Respondent was reprimanded.

Joshi, Dharmi P. - License No. DS 5324

Unprofessional conduct, violation or attempted violation of any provision of the statutes making false or misleading statements or representations or in being guilty for fraud or deceit in the practice of dentistry, gross malpractice or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice, making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate, claiming to be a "specialist" in some particular branch of dentistry without being certified by the Board as such, failing to provide dental records within ten working days upon written request by the patient, and failing to maintain dental records in such a manner that a subsequent treating dentist can readily ascertain, the treatment provided by the performing dentist. Respondent's license was revoked, and she must pay a fine in the amount of \$8,000 and costs.

Meadows, Jeffrey R. – License No. DS 4220

Unprofessional conduct, violation or attempted violation of any provision of the statutes or any criminal statute of the state of Tennessee, dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, and dispensing prescribing or otherwise distributing any controlled substance or other drug to any person in violation of any law or the state or of the United States. Respondent was placed on probation for seven years, must obtain advocacy of the Concerned Dental Professionals Committee, prohibited from dispensing, prescribing or otherwise distributing any Schedule II and/or Schedule III controlled substances during the period of probation, and ordered to pay costs.

Northcott, Thomas R. - License No. DS 3239

Unprofessional conduct, violation or attempted violation of any provision of the statute, permitting directly or indirectly an unlicensed person to perform services or work which can be done legally only by persons licensed to practice as a registered dental assistant, and assigning tasks and procedures that are reserved for a duly licensed and registered dental assistant. Respondent was reprimanded.

Pearre, Patricia S. – License No. RDA 5667

Unprofessional conduct, violation or attempted violation of any provision of the statute, failure to timely renew, and practicing without a current registration. Respondent was reprimanded.


Rimer, Carson E. - License No. DS 4682

Unprofessional conduct, violation or attempted violation of any provision of the statute, and dispensing, prescribing or otherwise distributing controlled substance in amounts, or for durations not medically or dentally necessary, advisable or justified by an existing, identifiable dental procedure, ailment or infirmity. Respondent was reprimanded.

Warise, Timothy R. - License No. DS 5144

Unprofessional conduct, violation or attempted violation of any provision of the statute, permitting directly or indirectly an unlicensed person to perform services or work which can be done legally only by persons licensed to practice as a registered dental assistant, and assigning tasks and procedures that are reserved for a duly licensed and registered dental assistant. Respondent was reprimanded.

Whitehead, Amy L. – License No. RDA 6220

Unprofessional conduct, violation or attempted violation of any provision of the statute, failure to timely renew, practicing without a current registration, and performing coronal polishing without current certification. Respondent was reprimanded. 

Anesthesia/Sedation Rule Changes

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Dentists who utilize either a medical doctor or doctor of osteopathic medicine who is a member of the anesthesiology staff of an accredited hospital are not required to obtain a permit. A dentist who holds a permit may also administer sedation/anesthesia in the office of a non-permit holder. In each of these exceptions, either the physician or permit holder must remain on the premises of the dental facility until all patients given sedation/anesthesia meet discharge criteria. The facility/office where the sedation/anesthesia is administered must comply with Rules 0460-2-.07(6)(b) and (7)(b).

The degree of sedation or consciousness level of the patient is the determining factor in these rules, not the route of administration. Determining the degree or level is based upon:

- ♦ The type and dosage of medication that was administered or was proposed for administration to the patient;
- ♦ The age, physical size and medical condition of the patient receiving the medication; and
- ♦ The degree of sedation or level of consciousness that should reasonably be expected to result from that type and dosage of medication.

Refer to Rule 0460-2-.07(3) for the complete rules for determining the degree of sedation.

To qualify for a limited conscious sedation permit, a dentist must have completed one of the following:

- ♦ Completion of an ADA accredited postdoctoral training program which affords comprehensive training necessary to administer and manage enteral and/or combination inhalation-enteral conscious sedation, or
- ♦ Completion of a continuing education course which consists of a minimum of 18 hours of didactic instruction plus 20 clinically-oriented experiences which provide competency in enteral and/or combination inhalation-enteral conscious sedation.

Note: These courses must be approved by the Tennessee Board of Dentistry. Anyone who has questions about a course they have attended or will be attending, please call the Board's Administrative Office or visit the "Educational Programs" section of the Board's web site to see if the course is approved by the Board.

To qualify for a comprehensive conscious sedation permit, a dentist must have completed one of the following:

- ♦ Completion of an ADA accredited postdoctoral training program which affords comprehensive training to administer and manager parenteral conscious sedation, or
- ♦ Completion of a continuing education course consisting of a minimum of 60 hours of didactic instruction plus the management of at least 20 patients which provides competency in parenteral conscious sedation. **Note:** These courses must be

approved by the Tennessee Board of Dentistry. Anyone who has questions about a course they have attended or will be attending, please call the Board's Administrative Office or visit the "Educational Programs" section of the Board's web site to see if the course is approved by the Board; or

- ♦ On the effective date of the rule (May 4, 2003), holds a current valid Intravenous conscious sedation permit issued by the Tennessee Board of Dentistry. Dentists who held an intravenous conscious sedation permit must apply for the new comprehensive conscious sedation permit and comply with the new rules.

To qualify for a deep sedation/general anesthesia permit, a dentist must have completed one of the following:

- ♦ Successful completion of a minimum of one year advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program as described in the "ADA Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry", 2000 edition, or its successor publication, or
- ♦ Proof of successful completion of a graduate program in oral and maxillofacial surgery which has been approved by the Commission on Accreditation of the American Dental Association, or
- ♦ Proof of successful completion of a residency program in general anesthesia of not less than one calendar year that is approved by the Board of Directors of the American Dental Society of Anesthesiology for eligibility for the Fellowship in General Anesthesia or proof that the applicant is a Diplomate of the American Board of Dental Anesthesiology, or
- ♦ Possess on the effective date of this regulation a current, valid general anesthesia permit issued by the Board. Such dentist will be issued a new deep sedation/general anesthesia permit and must comply with the general rules set forth in this regulation.

Currently, the fee due with the application is \$10, but will be **increasing to \$300 on August 27, 2003.**

Dentists applying for either a limited or comprehensive conscious sedation permit do not need to submit proof of current certification in Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) unless they provide sedation for children.

If the dentist provides conscious sedation or deep sedation/general anesthesia for children under the age of 13, they must provide evidence of adequate training in pediatric resuscitation, which the Board has determined is proof of PALS.

Dentists who are applying for the deep sedation/general anesthesia permit must provide proof of current certification in ACLS or PALS upon application for the permit.

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Anesthesia/Sedation Rule Changes

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Applications to apply for either permit are available in the "Applications and Forms" section of the Board's web site or by calling the Board's administrative office at 1-888-310-4650 ext. 25073.

The permit must be renewed when a dentist renews their license. **The fee to renew the permit is currently \$10 but will be increasing to \$100 on August 27, 2003.**

Facilities where sedation or anesthesia is administered are regulated by Rules 0460-2-.07(6)(b)1 and (7)(b)1. These rules regulate the size of the treatment room, operating table or dental chair, lighting system, suction equipment, oxygen system, recovery area, and inspections of the sedation/anesthesia equipment.

Members of the operating team must be licensed/registered with the appropriate Tennessee Board, hold current certification in health care provider life support, and be trained for their duties according to protocols established by the dentist. For more information on personnel, see Rules 0460-2-.07(6)(b)2 and 0460-2-.07(7)(b)2.

Patient evaluation, dental records, monitoring, and recovery and discharge are covered in Rules 0460-2-.07(6)(b)3,4,5, & 7 and (7)(b)3,4,5, & 7.

Emergency management is regulated in Rules 0460-2-.07(6)(b)6 and (7)(b)6. The dentist must establish written protocols for the management of emergencies and train the operating team. A cardiac defibrillator must be available, and the equipment and drugs listed on the Board's web site in the "Policy Statement" section must be available for use in an emergency. The list of equipment and drugs will periodically be updated by the Board and each update will be available on the Board's web site.

Dentists who hold one of these permits are required to maintain Advanced Cardiac Life Support (ACLS). A pediatric dentist may substitute Pediatric Advanced Life Support (PALS). Dentists may attend every two years a board-approved course comparable to ACLS or PALS which specifically deals with the prevention and management of emergencies associated with sedation or anesthesia.

Any injury or mortality must be reported by a written report to the Board by the dentist within 30 days of any sedation/anesthesia-related incident which results in patient injury or mortality and required hospitalization. In the event of patient mortality, in concurrent with a sedation or anesthesia-related incident, this must be reported to the Board within two working days and followed by a written report within 30 days. The written report shall include the following:

- Description of dental procedure
- Description of preoperative physical condition of the patient
- List of the drugs and dosages administered
- Detailed description of techniques utilized in administering the drugs

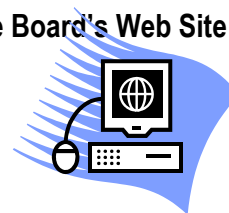
- Description of adverse occurrence must include:
 - Detailed description of symptoms of any complications including, but not limited to, onset and type of symptoms in the patient
 - Treatment instituted on patient
 - Response of the patient to treatment
- Description of the patient's condition on termination of any procedure undertaken.

In the 2003 session, legislators passed a bill that allows the Board to issue permits to facilities where anesthesia and/or sedation is administered. The Board will develop rules for the facility permits and facility inspections in the coming year. Look for updates in future newsletters.

A copy of the effective rules, as amended, is available in the "Rules and Regulations" section of the Board's web site. 🦷

Instructions for Accessing the Board's Web Site

- ▶ <http://tennessee.gov/health>
- ▶ Licensing
- ▶ Health Professional Boards
- ▶ Select "Board of Dentistry"



Note: This web address has changed since the Winter, 2003 edition of the Board's Newsletter.



Staff Additions

An additional administrator was hired to work with the Board of Dentistry. **Tammy Roehrich** was a Licensing Tech with other Health Related Boards and has been working for the State since October 1996. Ms. Roehrich will be reviewing and processing all applications submitted to the Board's administrative office for dental assistants.

All questions regarding licensure, registration, reinstatement/reactivation, specialty certification, nitrous oxide certification, anesthesia/sedation permits, coronal polishing certification, and general questions will be answered by either Ms. Roehrich or Susan Kennedy. 🦷

Board Members



Four new board members have been appointed by the Governor. Mark H. Wildasin, Esq. was appointed to replace Frances C. Fenelon, Esq. as the consumer member, Harold L. Fitts, D.D.S. of Bolivar replaced Dr. J. Howard McClain, Eben A. DeArmond, Jr., D.D.S. of Cleveland replaced Dr. Reuben Pelot, and Camillia M. Phillips, R.D.A. of Chattanooga replaced Betty Gail Fox, R.D.A. J Glenn Greer, D.D.S. was elected Board Chairman at the January, 2003 Board Meeting. 🦷





Tennessee Board of Dentistry
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

Report all address changes in writing within 30 days of the address change.

**Tennessee Board of Dentistry
Board Members as of June 15, 2003**

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President
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Marlene S. Warren Fullilove, R.D.H.
Vice-President
Memphis

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Secretary/Treasurer
Manchester

Beth A. Casey, R.D.H.
Nashville

Bobby O. Cook, D.D.S.
Dyersburg

Mark H. Wildasin, Esq.
Consumer Member
Nashville

Camilla M. Phillips, R.D.A.
Chattanooga

Harold L. Fitts, D.D.S.
Bolivar

William D. Nally, D.M.D.
Nashville

Eben A. DeArmond, Jr., D.D.S.
Cleveland

Kenneth L. Schenck, Jr., D.D.S.
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Dea M. Smith
Board Manager

Susan Kennedy
Administrator

Tammy Roehrich
Administrator

Ruby Cloyd
Licensing Tech